

February 7, 2005

A work session of the Akron Village Board was held on this date at 6:30 P.M. to discuss agenda items. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, E. Peter Forrestel and Michael R. Middaugh, Village Attorney Daniel D. Shonn, Esq., Superintendent of Public Works Robert W. Kowalik, Chief of Police Richard C. Lauricella, Rotarian/Lion Greg Brown and DPW personnel Robert Lucia and Thomas Whitbeck.

Mayor Perkins adjourned the work session at 7:25 P.M.

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, E. Peter Forrestel and Michael R. Middaugh, Village Attorney Daniel D. Shonn, Esq., Superintendent of Public Works Robert W. Kowalik, and Chief of Police Richard C. Lauricella.

Mayor Ray M. Perkins opened the regular meeting with the pledge of allegiance.

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that the Minutes of the Regular Meeting of January 24<sup>th</sup>, 2005, be and hereby are approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the audit of bills is approved, and the Treasurer is authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$ 16,270.58
Electric Fund	\$ 37,904.79
Water Fund	\$ 35,095.79
Sewer Fund	\$ 9,322.00
Capital Sewer	\$ 2,197.69

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Middaugh, seconded by Forrestel, that the following building permits, be and hereby are approved with the application and approval of the Building Inspector:

Aaron & Christina Burkhardt	27 Parkview Dr.	Roof/Windows	\$ 25.00
Gina & Dwayne Sarow	53-55 Main St.	Renovation	\$257.00
Charles Yaeger	38 Mechanic St.	Siding	\$ 25.00

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that the following Plumbers' Licenses for the Year 2005, be and hereby are renewed in accordance with the application filed and payment of the annual license fee of \$40.00:

Robert Bourkney	5453 Francis Shores	Honeoye, NY
Douglas Ceisner	100 East Avenue	Akron, NY

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that the following Amusement Device Licenses for the Year 2005, be and hereby are renewed in accordance with the applications approved by Chief of Police Richard C. Lauricella:

Filling Station	40 Main Street	5 – Coin Operated Devices
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ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

APPEARANCES – Brian Wirth of Time Warner Cable appeared before the Board and discussed the following items: 1) Time Warner's newest innovative voice/internet phone service protocol (which is fully 911-e compliant); 2) Time Warner's \$16,000 reimbursement to Akron Central School for equipment for local public access programming; and 3) status of Time Warner's joint pole agreement with the Village. When questioned, Mr. Wirth also noted that, with a cable-ready television set, a customer would not need a box for the Basic (16 stations) and Standard packages, but for the digital spectrum of channels (into the 100+ channels), a box is necessary.

Douglas Ceisner of 100 East Avenue appeared before the Board and discussed the following items: 1) recent water main break; 2) timber harvesting at the reservoir; 3) utility billing process; 4) Parkview Drive Bridge project; and 5) publishing meeting schedule in the Buffalo News.

PUBLIC COMMENT – Superintendent Robert Kowalik thanked and congratulated Village DPW crews and staff relative to the recent water main break. He noted that within 1 ½ hours of crews' noticing a loss in pressure, a major leak was found in the line and isolated. Supt. Kowalik also noted that Erie County Health Department testing guide lines were followed for the water emergency.

Project Reports –

Brooklyn Street Sidewalk/Restoration Project – Nothing new until spring.

Stormwater Outlet to Murder Creek/Replacement Project – Superintendent Robert W. Kowalik reported that the majority of the work is done, with site restoration remaining.

## Monthly Reports –

### Departments

ATTORNEYS – Daniel D. Shonn, Esq. provided language for Local Law #1 of the year 2005 re: moratorium on building permits.

CLERK-TREASURER – Written report for January 2005 submitted.

CHIEF OF POLICE – Written report for January 2005 submitted. Chief Richard Lauricella highlighted the following: 1) ACS has added two dates for games; 2) as Officer Cryan is still on military leave and as Officer Pellittieri has been hired full-time at the NFTA, committee recommends hiring DeEtte Iacovitti (8 yrs. experience as officer with NFTA, Lewiston and State Parks Police) and Joseph Belden (8 yrs. experience with Erie & Wyoming Co. Sheriff's and Batavia Police); 3) committee recommends trading in the 2000 Crown Vic & purchasing 1 new Ford vehicle now and 1 new one next fiscal year; and 4) Erie County Mobile Data Computer is up and running.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, hiring DeEtte Iacovitti and Joseph Belden as part-time officers for the Village of Akron Police Department, with start dates in the week of February 14<sup>th</sup>, 2005, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDGAUGH	- AYE

RESOLUTION, duly moved by Patterson, seconded by Forrestel, allowing each new hire in the Village of Akron Police Department, upon being hired, to "front-load" up to two-year's worth of clothing allowance, ie. up to \$400, for start-up outfitting, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDGAUGH	- AYE

SUPT. OF PUBLIC WORKS – Written report for January 2005 submitted. Superintendent Robert W. Kowalik noted that the water/wastewater committee was recommending an amendment to Village sewer law to include "A-clamps". Per Attorney Daniel D. Shonn, Esq., Village Building Inspector should be asked if language about A-clamps is already included in NYS Building Code, as Village Code cannot supercede NYS Building Code.

### Elected Officials

JUSTICE COURT – Written report for January 2005 submitted.

### TRUSTEES – COORDINATORS

Trustee Middaugh – Reported 1) that the solid waste committee is recommending a \$1.00 per quarter increase due to collection of freon units; 2) that work with Town of Newstead continues re: a joint

DPW facility; and 3) that he's been working with Greg Brown re: Rotary/Lions projects for Russell Park.

Trustee Patterson – Reported 1) that outstanding candidates applied for the part-time police officer positions; 2) that he commended the electric and water department teams for their work to repair recent interruptions/breaks in service; 3) that the Board continues to evaluate delivery and costs of services, including water from Akron's Reservoir or from other sources.

Mayor Perkins – Reported the following: 1) that the committee reviewing the Comprehensive Plan met and that Attorney Daniel D. Shonn is working on revisions to the map(s); 2) that he attended a meeting relative to Senator Mary Lou Rath's initiative encouraging "walkable" communities within the Villages of Akron, Kenmore, Williamsville and Clarence and that the committee is working out maps and ways to promote participation in the program.

Trustee Forrestel – Reported 1) that Minutes from the January 27, 2005 Water/Wastewater Committee were available; 2) that sale of 1<sup>st</sup> phase of timber is expected to cover the cost of the repair of the cap at the spillway; 3) VRI will prepare a flowchart of the process at the wastewater plant; and 4) next meeting of the Water/Wastewater Committee is scheduled for March 9<sup>th</sup>, 2005.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the Mayor to sign the Timber Sale Agreement with Hemphill Logging in the amount of \$15,251.20, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDGAUGH	- AYE

Old Business –

NYSDEC/SPEDES – Annual report submitted.

Crittenden Road Well Spill Claim – Nothing new to report.

Tinkham Road Water – Work in progress.

Strippit Backflow Connection – Strippit's fire pump is expected to be shipped one week from today.

2005 Federal Community Development Block Grant Projects – Nothing new to report.

Comprehensive Plan – Review in committee.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Awaiting response from NYS DOT.

Annexation Town Property, Lewis Road – Formal petition filed with Town.

Re-zoning of Town Property, Church & John Streets – Remove from agenda.

Permit/Building Moratorium – Public Hearing scheduled for February 28, 2005 at 7:30 P.M. to consider Local Law #1 for 2005.

New Business –

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the Mayor to sign a Release of Easement relative to a certain Right of Way dated March 23, 1927 and recorded in the Genesee County Clerk's Office on April 5, 1950 in Liber 301 of Deeds at page 488, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDGAUGH	- AYE

Correspondence –

January 2005 Town of Amherst Central Fire Alarm Report.

Thank you note from Martha Kroemer of 55 Brooklyn Street to Bob Whiting & Bob Lucia.

Public Hearing Notice for proposed amendments to the Erie County Sanitary Code.

Erie County Department of Emergency Services regarding 2005 Erie County Budget Crisis.

Water/Wastewater Committee Meeting – 1/27/05.

Availability of Funds for Water Quality Improvement Projects from the DEC.

James DeLaPlante letters concerning his status as Village Professional Consultant.

NYS Quality Communities Grant Program.

U.S. Department of Housing & Urban Development nominations for the Affordable Communities Award.

PUBLIC COMMENT TIME – Erie County Sheriff Patrick Flynn commented on the recent Erie County Budget situation and noted that Judge Makowski's ruling placed a temporary injunction to stay County layoffs to February 28<sup>th</sup>.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the Board to go into Executive Session at 8:48 P.M. to discuss a personnel issue, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDGAUGH	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the Board to come out of Executive Session at 9:33 P.M., be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE

Following discussion regarding the NYSDEC:

RESOLUTION, duly moved by Patterson, seconded by Middaugh, that the Village Board will file a request with the NYSDEC for an investigation into the clearing of the property located on Jackson Street in the Village of Akron and that the Mayor will direct all elected and appointed officials and employees to cooperate with the NYSDEC in their investigation, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE

On motion of Patterson, seconded by Middaugh, at 9:35 P.M. this meeting was ADJOURNED.

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MAYOR

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VILLAGE CLERK